

Mail Voting Checks and Balances in Texas

American elections serve as a model for the world, thanks to our rigorous system of checks and balances and our neighbors serving as election workers faithfully carrying out those duties.

Working in teams made up of people from both parties, poll workers and election officials count, canvass, and audit votes — whether they are cast in-person, by mail, or by service members overseas. These election workers verify voters' identities. They inspect ballots. They resolve errors. They confirm that every legal ballot is counted as voters intended them.

When these checks and balances are complete, then the final phase of our election process happens: certification. This is the straightforward step in the process when election officials declare the winners.

This memo outlines the numerous safeguards in Texas that assure only eligible mail votes are counted, from rigorous voter verification at the application stage to election officials meticulously reviewing ballots when they are returned. For greater detail about the post-election process and a detailed timeline, please [visit the rest of our series on checks and balances in Texas elections](#).

Finally, this is nonpartisan educational research intended for 501(c)(3)-compliant purposes only. It is *not* to be used for any partisan, political, or electioneering activities by any organization.

Only Certain Voters May Vote by Mail in Texas

Texas limits eligibility to vote by mail to certain registered voters:

- Voters who will be absent from their county of residence during the entire period of early, in-person voting and on Election Day;¹
- Voters who have a sickness or physical condition that prevents them from appearing at a polling place on Election Day without a likelihood of needing personal assistance or of injuring the voter's health;²
- Voters who will be 65 years of age or older on Election Day;³ and

¹ Tex. Elec. Code § 82.001

² Tex. Elec. Code § 82.002. The statute also makes voters expecting to give birth within three weeks before or after Election Day eligible to vote by mail.

³ Tex. Elec. Code § 82.003

- Voters who are otherwise eligible to vote but are confined in jail when they submit their application.⁴

Generally, voters need to submit an application for a ballot for each election (including any subsequent runoff), but voters who qualify due to their age or a disability may apply for ballots for all elections within the same calendar year.⁵ The application must include the voter's name, registration address, a forwarding address for their ballot package (if necessary), grounds for eligibility to vote by mail, and at least one of: 1) their Texas driver's license, personal identification, or election identification number issued by the Department of Public Safety (DPS); or, 2) if they don't have a DPS number, the last four digits of their Social Security number.⁶

All Voters Are Verified Before Election Officials Send Their Ballot

The early voting clerk reviews each application for a mail ballot to ensure that the information provided on the application matches the information in the voter's registration record. Specifically, a clerk may not issue a ballot to a voter unless the DPS number or last four digits of the Social Security number provided by the applicant match that information in the voter's registration record.⁷ If non-matching information could lead to the application being rejected, the clerk reaches out directly to the voter by mail, telephone, or email to advise them of the issue and give them an opportunity to provide the correct information to verify their identity and eligibility.⁸

If the clerk approves the ballot application, they mail the voter a ballot package at their registered address (unless the voter provided an acceptable forwarding address).⁹ When the clerk sends a mail ballot package to the voter, they make a notation on the county list of registered voters that includes the date the ballot package was sent to the voter.¹⁰

⁴ Tex. Elec. Code § 82.004. "Confinement" may include being held pending trial, serving a sentence for a misdemeanor conviction, or being held pending an appeal of a felony conviction.

⁵ Tex. Elec. Code §§ 84.001; 86.0015

⁶ Tex. Elec. Code § 84.002. The ID number matching requirements for ballot applications and carrier envelopes, enacted by SB 1 in 2021, are the subject of ongoing federal litigation (*LUPE et al. v. Texas*). The federal district court ruled that the ID number matching provisions violate the Materiality Provision of the federal Civil Rights Act of 1964, but the 5th Circuit has stayed the effect of that ruling while the case is pending appeal. Therefore, the ID matching provisions will remain in effect for the 2024 general election barring further action from the courts.

⁷ Tex. Elec. Code § 86.001.

⁸ Tex. Elec. Code § 86.008

⁹ Tex. Elec. Code § 86.003

¹⁰ Tex. Elec. Code § 86.001

Returned Ballots are Verified by Bipartisan Teams of Professionals and Volunteers

With few exceptions,¹¹ Texas voters must return their ballots in-person to the early voting clerk while polls are open on Election Day, or by mail — so long as the ballot is postmarked no later than the close of polls on Election Day and received by the early voting clerk by 5 p.m. on the day after Election Day.¹² Voters must fill out all of the information on the ballot carrier envelope, including their signature and either their DPS number or the last four digits of their Social Security number, prior to returning the ballot to the early voting clerk.

Counties may opt to have the early voting ballot board (EVBB) conduct all verification duties itself. They may also establish a signature verification committee (SVC) to conduct signature verification prior to the delivery of ballots to the EVBB for the completion of other verification duties. SVCs can begin signature verification 20 days before Election Day, and EVBBs must begin verifying ballots starting nine days before Election Day.¹³ Texas law mandates that both bodies must have bipartisan membership.¹⁴ Additionally, members of both bodies must undergo standardized training provided by the secretary of state.¹⁵ Party-appointed observers are entitled to be present at EVBB meetings at which ballots are verified.

Either the SVC or the EVBB compares the voter's signature on the ballot carrier envelope with one or more known voter signatures on file with the county clerk or voter registrar.¹⁶ Additionally, the EVBB must confirm each of the following prior to accepting the ballot for counting:

- The voter is lawfully registered;
- The ballot application states a legal ground for voting by mail;
- The DPS number or last four digits of the Social Security number written by the voter on the carrier envelope matches the number in the voter's registration record; and
- The voter completed a statement of residency (if necessary).¹⁷

If election officials identify an issue with the voter's signature or any of the other information on the carrier envelope, they provide a notice to the voter explaining the issue and the steps the voter can take to make sure their ballot counts.¹⁸ The voter can:

- Submit a corrective action form providing the necessary information;
- Go to the early voting clerk's office to provide the necessary information; or

¹¹ Texas law corresponds with federal laws allowing extra time for eligible military and overseas voters to return their ballots. See Tex. Elec. Code § 86.007(d); Tex. Elec. Code ch. 105

¹² Tex. Elec. Code § 86.007

¹³ Tex. Elec. Code § 87.0222; Tex. Elec. Code § 87.027

¹⁴ Tex. Elec. Code § 87.002; 87.027

¹⁵ Tex. Elec. Code § 87.0031; 87.0272

¹⁶ Tex. Elec. Code § 87.027; 87.041

¹⁷ Tex. Elec. Code § 87.041

¹⁸ Tex. Elec. Code §§ 87.0271; 87.0411

- Cancel their application to vote by mail and go to a polling location to cast a ballot in person.¹⁹

Once the EVBB verifies all of the information on the carrier envelope and accepts the ballot for counting, the ballot is removed from the carrier envelope and stored securely for later counting.²⁰ Carrier envelopes containing rejected ballots are stored separately and retained with other election materials for at least 22 months following the election.²¹ The presiding judge of the EVBB sends a written notice to each voter whose ballot was rejected, including an explanation of the reason for rejection, within 10 days after Election Day.²²

Voters Can Confirm Ballot Status Through Online Ballot Tracking

Recently, Texas implemented a system that allows voters to track the status of their mail ballot applications and returned ballots online. Voters can enter their identifying information on the [portal maintained by the secretary of state](#) and made available on each county's website and access up-to-date information about the receipt and approval status of their ballot application, as well as the mailing, receipt, and approval status of their completed ballot. Additionally, voters can provide some corrective information when requested by election officials, like their DPS number or last four digits of their Social Security, through the online portal.²³ The introduction of this feature has added even greater transparency to the mail ballot voting process in Texas.

Additional Steps Ensure Ballots Counted as Voters Intended

There are a number of [additional checks and balances](#) that apply to absentee and in-person ballots in Texas. These include:

- Election officials test tabulation equipment three times before and after the election to make sure it is working correctly;
- Voters insert ballots directly into tabulation equipment at some polling locations or bipartisan teams of election workers tabulate ballots at central counting locations;
- Election officials perform a hand count audit of polling locations using automatic tabulation equipment to ensure the accuracy of results; and
- The county commissioners court conducts the county canvass at a meeting open to the public.

¹⁹ Id. The corrective action form is developed and provided by the Secretary of State. Voters who have returned their ballots by the legal deadline has up to six days after Election Day to submit corrective information.

²⁰ Tex. Elec. Code § 87.042

²¹ Tex. Elec. Code § 87.043

²² Tex. Elec. Code § 87.0431

²³ Tex. Elec. Code § 86.015

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